

**Joint Charter Drafting Work Group
TRANSCRIPTION
Wednesday 10 November 2010 at 2000 UTC**

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<http://audio.icann.org/gnso/gnso-icd-20101110-en.mp3>

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Participants on the Call:

At-Large

Alan Greenberg
Cheryl Langdon-Orr

ccNSO

Chris Disspain, .au, ccNSO Council Chair
Jörg Schweiger, .de
Jay Daley, .nz

GNSO

Greg Aaron, RySG, Afiliias
Rafik Dammak, NCSG
Chuck Gomes, GNSO Council Chair, RySG
Scott McCormick, CBUC

NRO

Arturo Servin, LACNIC

Support Staff

Bart Boswinkel, ccNSO
Gisella Gruber - White, GNSO/At-Large
Julie Hedlund, GNSO
Yuri Ito, ICANN
Kristina Nordström, ccNSO

Apologies:

Jaime Wagner, CSG, ISPCP
Sébastien Bachollet
Olga Cavalli

Dave Kissoondoyal
Ondrej Filip. .cz
Hiro Hotta, .jp

Coordinator: I'd like to inform everyone the call is now being recorded. If you do have any objections you may wish to disconnect at this time. You may begin.

Gisella Gruber-White: Chris, would you like a quick roll call?

Chris Disspain: Yeah, why don't we do that Gisella?

Gisella Gruber-White: Good morning, good afternoon and good evening to everyone. On today's Joint Charter Drafting Workgroup call on Wednesday the 10th of November we have Chuck Gomes, Chris Disspain, Cheryl Langdon-Orr, Rafik Dammak, Greg Aaron, Alan Greenberg, Jörg Schweiger, Scott McCormick, Jay Daly.

From staff we have Bart Boswinkel, Kristina Nordstrom, Julie Hedlund, Yuri Ito and myself, Gisella Gruber-White. And we have apologies today from Olga Cavalli, Hiro Hotta and Dave Kissoondoyal. Andre Phillip is - he is not able to join the call; he also sends his apology. If I could please remind everyone to state their names when speaking for transcript purposes. Thank you, over to you Chris.

Chris Disspain: Thank you. Bart, given that you and Julie made the amendments to this document do - I think Julie, you sent it to the list, you take us through - briefly take us through where we've got to?

Bart Boswinkel: Yes and I think that it looks say the - in front of you if you're connected to the Adobe room you see Section 1. There are no so many changes there as there were some questions especially from Sebastien. One was regarding the name of the working group. This one is called - say - this one states DSSA Working Group and the working group we're currently in is called the DCD.

This is the charter drafting and that's the official name of the working group once the charter gets adopted. And probably if the charter gets adopted hopefully by Cartagena in two or three months people forget that this working group ever existed. So just to make sure that, say, the - this is the proper name of the working group or the real working group so you know this is one of the questions.

The other one was the more interesting one I think about the NRO and the ASO. The NRO is acting as the ASO according to the MAO between ICANN and the (RER)s/NRO. And only in specific circumstances say that's the board election and global policy the ASO Council performs the role of the ASO. That's why the NRO is included.

These are probably the major issues. Oh there is another one that was in question, a - and a remark about the - go back a bit - a about the advisory committees specifically the role of (ASEC) and (RSEC). As far as I understand (ASEC) wants to remain independent and provide independent advice, remarks, under work of the working group.

Maybe Julie and Chris have something to add there.

Chris Disspain: It's Chris. Just that when I - I said to Steve Crocker to consider the Security and Stability Advisory Committee joining this working group - not the charter drafting working group, the full working group - he talked to his colleagues and came back and said that they were 100% supportive of setting up the working group but they in fact felt that it would be best if it provided independent advice to the working group rather than actually sat on the working group so that's why they're not included.

Bart Boswinkel: Okay. So I think that is - and that is recorded as well. So these were the major changes and the questions relating to Section 1. I'll now go to Section 2. The major changes I think the working group discussed - spent some time on the scope of activities and particularly say avoiding overlap...

Jay Daly: Excuse me Bart?

Bart Boswinkel: Yeah?

Jay Daly: May I jump into Paragraph 1 once again? Sorry...

Bart Boswinkel: Yeah, of course you may.

Jay Daly: ...I wasn't capable of fiddling with star 6 just to speak.

Bart Boswinkel: Yeah.

Jay Daly: I wondered whether the word issues is really the right word to use in Paragraph 1 Line 5? Although - I'm definitely not a native speaker but issues to me is something that for me sounds biased; biased in a way that we already know that we do have security and stability issues.

And for sure we do not know that although Rod Beckstrom might have proposed that we do have them. So would it be a good idea to not use the word issues? Although I wouldn't want to come up with something different. It's probably up to the native speakers. And probably I'm just wrong that I think the word is biased in a way.

Chuck Gomes: Would it work just to say DNS?

((Crosstalk))

Chris Disspain: That was Chuck asking if it would work just to say DNS which I suppose is actually true. But we could re - first of all I'd - you're kind of right in the sense that issues means things but it doesn't necessarily mean bad things but it does mean things; it implies that there are some things there.

But if we said - Chuck if we said better understanding of the - of the DNS-
Related Security and Stability or Global Domain Name System Related
Security and Stability that actually takes the word out doesn't it?

Chuck Gomes: Yeah.

Jay Daly: It sounds better to me.

Chris Disspain: Yeah.

Jay Daly: This is Jay. Security and Stability of the DNS.

Chuck Gomes: Yeah that's better.

Chris Disspain: Say that again Jay?

Jay Daly: Security and Stability of the DNS.

Chris Disspain: Of the DNS, yeah, that's fine.

((Crosstalk))

Chris Disspain: That's fine. Okay...

Bart Boswinkel: Security and Stability of the DNS.

Chris Disspain: ...of the DNS.

Bart Boswinkel: I'll include it in the next version.

Jay Daly: We need to remove the which part subsection after that; which are of
common interests because that won't make sense anymore.

Chris Disspain: Okay. Yes it should just say all common interests.

Jay Daly: Yeah.

Chris Disspain: Shouldn't it? Yes.

Bart Boswinkel: Just let me open up the document...

Chris Disspain: Don't worry about it, Bart. If you just take notes then we'll work on the - it's just language and we'll work on that after...

((Crosstalk))

Bart Boswinkel: Yeah, yeah.

Julie Hedlund: Yeah, Bart, this is Julie. Just - and all of you know just so you know I've got a copy - a working copy of the document and I'm transcribing in the document in redline...

Bart Boswinkel: Okay, yeah.

Julie Hedlund: ...changes...

Chris Disspain: Brilliant. Brilliant, Julie, thank you.

Julie Hedlund: ...I'll send them off.

((Crosstalk))

Bart Boswinkel: Okay that makes it easy.

Chris Disspain: Okay.

Bart Boswinkel: So let's rephrase it before we move forward. Any other questions about Paragraph 1 or remarks before we go into Paragraph 2?

Chris Disspain: Okay.

Bart Boswinkel: So as an action point for Paragraph 1 we rephrase it and it will be included in the next version. Two, objective scope of activities and deliverables, there was a small edit - as you can see - in Paragraph 2.1. The substantive changes are in 2.2, scope of activities.

What we've done here is to take into account the potential overlap with existing initiative as discussed. So that's one, that is the section to - an attempt to coordinate with existing ongoing emerging research studies and initiative with respect to the working groups in particularly ICANN Security Stability and Resilience Review Team activities.

So that was one part of the discussion. The second one...

Chris Disspain: Hold on - hold on Bart.

Bart Boswinkel: Yeah.

((Crosstalk))

Chris Disspain: ...for a second. So just let everybody read that paragraph so that we can - if there are any questions or comments on that before we move onto the next one.

Jay Daly: This is Jay again.

Chris Disspain: Yes Jay.

Jay Daly: Hi, yes this is Jay again. I'm not convinced about this link with the SSRRT because ultimately the working group that's going to be adopting this charter here will be doing the work of looking at security and stability. And the SSRRT will be reviewing the work that ICANN does on it.

And I don't think the two need any coordination. I think we get on, you know, sorry, the group who's created to use the charter gets on and does it and the SSRRT are sort of the - well they're the scrutiny people that look at it afterwards or at the same time.

But we certainly don't need to take into account what they're doing; that would seem as gaming their approach. And the other area I'm caught is they do need to take into account what we're doing because that's actually relevant to us.

Bart Boswinkel: I have no problem taking that out if anybody - I see that - well it just caught my eye that Alan's asking if we can have scrolling control.

Cheryl Langdon-Orr: Yeah that's - sorry, Cheryl here. What Bart's giving us all is presented status which means none of us can scroll otherwise we'd...

Jay Daly: Yeah.

Cheryl Langdon-Orr: ...take over the screen. So there's a different setting which just gives us - gives everyone without, you know, pretty colors next to their names the ability to scroll up and down the document in the...

((Crosstalk))

Chris Disspain: Oh if we could organize that that would be wonderful. Does anybody have a particular reason for leaving - does anybody think there's a particular reason for leaving the reference to the SSRRT in?

Bart Boswinkel: It was - on the previous call it was a - I don't know the lady from - who suggested it but there was this suggestion to avoid overlap.

Chris Disspain: Which I think it does avoid overlap, Bart. So take it out and if somebody wants to put it back in again we can deal with it on the list but it seems to me that it's not - I agree with Jay's point and I don't think it's necessary.

Bart Boswinkel: Okay.

Chris Disspain: So take it out for now and we'll see if - it might have been Kathy I think, I can't remember.

Bart Boswinkel: Yeah.

Chris Disspain: But anyway let's just take it out and if we need to put it back in again in some way we can have a discussion on the list.

Jay Daly: Can we go back to 2.1 objectives and goals? This is Jay again.

Chris Disspain: Yes Jay we can.

Jay Daly: I agree, I think A, B and C are very good in there. I wonder if there is a usefulness on us trying to - on this group measuring the perception that people have of these threats as to how serious they are because...

Chris Disspain: I think that's a marketing...

((Crosstalk))

Chris Disspain: Sorry.

Jay Daly: Sorry, well we have a two-fold thing, don't we? We have technical people who'd be giving their sort of considered opinion on the severity of the threats.

But then we have others who - for other reasons see them as a more strategic.

And I wonder if we - the way we've written it there we will ever be able to achieve an agreed consensus on what severity is and perhaps we need to allow for difference perceptions there.

Chris Disspain: I'm not - I understand what you're saying but I'm not clear what sort of amendments you're trying to look at. Are you suggesting that we should simply insert the word perception?

Jay Daly: That may do. I don't know whether we need something between A and B which is the, you know, to measure the perception of the level of - overall level of threats to the DNS or something like that.

Chris Disspain: Yeah, the problem with that is, I mean, I agree with you that perception is incredibly important but...

Jay Daly: Yeah.

Chris Disspain: ...I'm not sure that you can - I mean, this is intended to be a - this intended to be a technical - effectively a technical working group.

Jay Daly: Okay.

Chris Disspain: I don't have a problem - I don't have a problem talking about perception at all I'm just concerned about making it a work, you know, an actual objective.

Jay Daly: Yeah, okay that's fine...

((Crosstalk))

Jay Daly: ...leave that.

Chris Disspain: Because I think it's - what are you going to do? Do a survey, I mean, it...

Jay Daly: Yes.

Chris Disspain: ...if the working group wanted to commission a survey it could do that anyway.

((Crosstalk))

Jörg Schweiger: ...my five cents is that I think that we definitely would need phrase like A where we would really try to measure something. If Jay doesn't like the word perception and if he really wants a survey that should only be in addition to Point A.

I do think that the perception is a useful thing to take into account but it also makes whatever the result of this working group might be it would give a reason to object to whatever we come up with.

Chris Disspain: Yeah.

Jörg Schweiger: Because it's just a matter of perception.

Chris Disspain: Okay thanks Jörg.

((Crosstalk))

Bart Boswinkel: Greg Aaron has his hand up.

Chris Disspain: Yes I just - yes.

Greg Aaron: Yes, in general I agree with you. To the extent possible I think the working groups are aiming to create some fact-based evaluations. And those - in fact

to the extent they can be established, provide for and enrich future decision making. So there are a lot of wild opinions out there as - about what's going on as well as some very well founded grounded ones.

Chris Disspain: Yeah.

Greg Aaron: So I think actual is a good word.

Chris Disspain: All right that's fine then. We've done 1 and 2.1 and I believe we've now done 2.2 also the first paragraph of 2.2. Bart, do you want to take us now to...

((Crosstalk))

Bart Boswinkel: ...2.2 has one other...

Chris Disspain: Yes...

Bart Boswinkel: ...change to it.

Chris Disspain: ...the second paragraph - it's the second paragraph of 2.2 that's right.

Bart Boswinkel: Yeah and the first bit within the framework of ICANN's coordinating role that has been changed as well. That was ICANN's coordinating - nonoperational role but as Patrick Jones remarked ICANN does do (IANA) and do the (unintelligible) so it is...

((Crosstalk))

Bart Boswinkel: ...and it's within the limits of the ICANN mission. Okay 2.2 the second...

Chris Disspain: Hang on, hang on. Who's there?

Bart Boswinkel: Yeah.

Jörg Schweiger: Jörg again.

Bart Boswinkel: Yeah.

Chris Disspain: Yes Jörg.

Jörg Schweiger: More of a comment than a real question or asking for a rephrasement. The scope of the activities has been limited to root and top level domains. And I clearly see that this more or less is the mandate that the participants probably have.

But nevertheless I fear that if we are really looking at the DNS and the part of DNS that are really in danger - in danger of attacks or whatever we would - or we might look at then definitely the major operators come into play. And I do not have an idea right now how we would address major operators for example.

Chris Disspain: Can you give me an example of that Jörg?

Jörg Schweiger: Yeah sure. I never said that but - not publicly - but my feeling is that for example .de is not really a major target of malicious intent. But I do know that major operators of second level domains are really are in Germany like German telecom, 1&1, and whatsoever.

So if we restrict ourselves to the root level and the top level domain we might come up with a result stating that everything is quite okay whereas there might be a certain danger when we look a little bit further down the path of the tree.

Chris Disspain: And this is the challenge I think because we need to be really, really careful about how we stretch this. It is clearly a working under ICANN's mission. And its specific purpose is to deal with - if you go back up to the objectives the

specific purpose is to deal with threats to the DNS and so on within ICANN's mission.

And ICANN's mission effectively stop once you get to the - once you get past the top level.

Jörg Schweiger: Yeah.

Chris Disspain: And I think it would be - we have to understand completely what you're saying it's actually what we say to our government all the time, we're - actually basically we're fine; it's not us you need to worry about it's the banks and the large organizations.

Jörg Schweiger: Right.

Chris Disspain: But I think - I don't think we can go that far apart from everything else I think individual ccTLDs' views would be that that's (unintelligible) in their own countries and it's certainly way outside of ICANN's mission.

Bart Boswinkel: There is also a procedural point to it which may alleviate Jörg 's concern a little. So if the working group would come across one of these issues and it is very clearly now out of scope you can still note this and report back...

((Crosstalk))

Bart Boswinkel: ...and request say either inform or request a change of scope if it really is a concern.

Chris Disspain: Yeah.

((Crosstalk))

Bart Boswinkel: So it doesn't mean say if it's becoming very clear that you have to ostracize a fact like this or act like an ostrich.

Chris Disspain: There's a difference between ostracize and ostrich size Bart. But anyway...

Bart Boswinkel: Yeah.

((Crosstalk))

Bart Boswinkel: I think the picture is clear.

((Crosstalk))

Chris Disspain: Don't worry Jörg.

((Crosstalk))

Jörg Schweiger: I wonder whether the (unintelligible) of appointing members by the chairs might be of any help with respect to the point I just made so that we could probably include somebody who we think might be - given or providing the working group with variable input...

((Crosstalk))

Jörg Schweiger: ...operator.

Chris Disspain: Sure that's the intention. Sorry Cheryl.

Cheryl Langdon-Orr: No I was just going to say - I thought that was covered.

Chris Disspain: Yeah that is the intention.

Jörg Schweiger: Yeah.

Bart Boswinkel: Alan has his hand up.

Chris Disspain: Oh yes he does too. Hi Alan.

Alan Greenberg: Yeah, I just wanted to comment that there are things - there are problems that are out of scope for which the solutions might be in scope. The Conficker Worm, the activities of ICANN over the Conficker Worm for example...

Chris Disspain: Sure.

Alan Greenberg: ...where the solution is in fact DNS-centered and root DNS centered even though the problem we're trying to solve is not an ICANN-related problem. So we want to make sure that we're open to those kind of things without prying into someone else's domain.

Chris Disspain: I agree. I agree and I think we are because the solutions fit good in the DNS.

((Crosstalk))

Chris Disspain: And I think that is covered. But I absolutely agree with you although when you started that sentence I thought you were going to head off into Donald Rumsfeld territory with known problems and unknown problems.

Alan Greenberg: If I ever do that shoot me.

Bart Boswinkel: Greg has his hand up.

Chris Disspain: Yes Greg.

Greg Aaron: Well Conficker is actually an interesting example because the registries for example don't consider this a core - consider that a core DNS event.

Chris Disspain: Sure.

Greg Aaron: It was something that leveraged the DNS but there are lots of things that leverage the DNS and those are not all within scope for ICANN. One thing that did come out of Conficker was an ability for registries to make a contractual exemption request to ICANN.

That was something that was I guess more in scope. But Conficker itself didn't leverage, I mean, it wasn't a core DNS issue so actually I don't know if I agree with Alan or not on that particular example.

Alan Greenberg: No I said part of the solution may be a DNS-related or ICANN-related.

Greg Aaron: Okay, yeah.

Chris Disspain: I think the key to it is that - well okay look let's be - let's go back to the bottom line. One of the reasons for setting up this working group is to - is really to try and box up what is DNS, you know, what is the stuff that we need to be dealing with; mission creep or widening the mission is part of the issue that lead to this being done in the first place.

If there's - I mean, I'm not even remotely technical but it strikes me that if there was a - if there was a problem with (bind) that had absolutely no affect whatsoever on the top levels but for some bizarre reason had affect at the second level that's still, you know, a problem that you would look at from the point of view of running your DNS server if you happen to use (bind).

I think Alan's - I think - I agree with you, Greg, in the sense that a lot of us have said that Conficker while the solutions to Conficker - we can help with the solution to Conficker it wasn't actually a DNS problem. I think it would slip into this working group on the basis that there might, you know, there might be a DNS solution. Does that make sense? Silence.

Okay good.

Bart Boswinkel: I'll go on because...

Chris Disspain: Yeah.

Bart Boswinkel: ...we're now talking about the actual work of the working group.

Chris Disspain: Yes we are.

((Crosstalk))

Chris Disspain: No we're not - well yes. So Bart can we go now to the second paragraph which is at the top of Page 2?

Bart Boswinkel: Yes it's there.

Chris Disspain: Yeah. So what's the changes there? What were the changes there following the last call (unintelligible)?

Bart Boswinkel: Yeah it's proactive role fostering participation, opportunity to comment to participating SOs and ACs and the ICANN community in general. That's the - that's one so that's about engagement of the ICANN community in the work of the working group.

And all working group members are encouraged to keep their respective groups updated and solicit feedback and provide that feedback to the working group again, communication channels. We spent some time on the last call on providing this mechanism.

Chris Disspain: Super.

Bart Boswinkel: Any comments, questions about these changes?

Chris Disspain: Okay.

Bart Boswinkel: None then I'll go - scroll down because these were just some...

((Crosstalk))

Chris Disspain: While we're going through just does anybody have any comments on 2.3.1 which is the work plan and - before we move onto 2.3.2 which Julie's appended the notes to? Okay so 2.3.2, Bart, is the next one.

Bart Boswinkel: Two three two, yeah...

Chris Disspain: Yes it's the reporting mechanism.

Bart Boswinkel: ...reporting - yeah it's - I think there is no real change there. Julie's comment is related to members and staffing and organization. There's a whole...

Chris Disspain: Oh I'm sorry I can't read the lines on these documents.

Bart Boswinkel: Yeah, yeah, no it's related to the next one.

Chris Disspain: Okay so 2.3.2 and 2.4 hopefully...

Jörg Schweiger: By the way 2.3.2 shouldn't it be the co-chair instead of the chair of the DSSA working group?

Chris Disspain: Now you are just being - you are being linguistically pure...

((Crosstalk))

Chris Disspain: Absolutely.

Cheryl Langdon-Orr: Jörg, come on I don't think - I think co-chairs or the chairs - I don't...

((Crosstalk))

Cheryl Langdon-Orr: ...understand English because I'm Australian but I always thought there was a big difference the chairs and the co-chairs.

Chris Disspain: Well for consistency it should be the same.

Bart Boswinkel: Yeah.

Jörg Schweiger: You know, I do not want to be too puristic about it but it took me let's say one or two minutes to come up with what is really meant because...

Chris Disspain: I understand.

Jörg Schweiger: ...once you were talking about chairs; once you were talking about chairs of different group and we had - I find out we haven't got a chair within this working group which is fine. So if we do not have one then it should be co-chairs everywhere.

Chris Disspain: I agree. So we'll change it to co-chairs wherever there's a reference to chairs of the particular working group. And that way it'll be clear.

Bart Boswinkel: Yeah and another reason is because there is some reference to other chairs as well so co-chairs...

((Crosstalk))

Bart Boswinkel: ...is very good.

Chris Disspain: Exactly.

Cheryl Langdon-Orr: That does make it clear - clear up.

Chris Disspain: Yeah.

Bart Boswinkel: Okay...

((Crosstalk))

Chris Disspain: ...I think Bart.

Bart Boswinkel: Sorry?

Chris Disspain: I think we're onto 3.

Bart Boswinkel: Yeah. Section 3 said the comment is that a - we've combined most part and cleaned up this section. So we combined the two alternatives where possible. And there is only - there are two sections in here that still need to be discussed. There may be changes - I'll run through it.

So the first one is there shall be a minimum of one representative from each participating SO/AC. I think that is a reasonable...

Chris Disspain: Yeah.

Bart Boswinkel: ...inclusion. The - say the second - this paragraph where you can see my hand probably or this hand - this is again was in both alternatives. The new addition - and I think that is a major change - is all working group participants are expected to be able to...

((Crosstalk))

Chris Disspain: Hang on, hang on, Bart, whoa, whoa Bart, Bart, stop.

Bart Boswinkel: Yeah.

Chris Disspain: Hold on, hold on, hold on. People are no - I'm not following so I should imagine others are having trouble too. So just hold on. The - just let me make sure that I'm clear there's a paragraph inserted here that says that the ALAC ccNSO GNSO will each elect a co-chair and...

((Crosstalk))

Chris Disspain: ...with that?

Bart Boswinkel: This is - say this was what we've done is in the previous documents...

Chris Disspain: Yeah, that's fine.

Bart Boswinkel: ...under the Alternatives 1 and 2 this was a separate section. We've now included it in this...

Chris Disspain: Okay.

Bart Boswinkel: ...particular section. So there is no change in language there.

Chris Disspain: Right, fine.

((Crosstalk))

Bart Boswinkel: Yeah?

Chris Disspain: Carry on.

Bart Boswinkel: The second one - so there is some changes or there's some changes here. This is again a combination of the two alternatives...

Chris Disspain: Right.

Bart Boswinkel: ...based on the conversation we had last time. That is to invite and approach technical and (COT) communities and DNS expert and (certs) to seek their participation in the activities. And they made a change from if you look at the previous one and this is a new insertion is all working - the expectation of - regarding the working group participants.

((Crosstalk))

Chris Disspain: ...expertise, yeah.

Bart Boswinkel: Yeah so demonstrate knowledge and/or expertise of (aspect) of the objectives of the working group. So this - there is a reference to the previous section. And commit ongoing and long term to actively participate in the activities of the working group.

Again this is...

Chris Disspain: Right.

Bart Boswinkel: ...based on the discussions from the previous call.

Chris Disspain: Okay that second (unintelligible) for discussion just Julie if you could just take a note that that second bullet point is clumsy linguistically; we should just clean that up a bit, you know, maybe make an ongoing long term commitment to actually participate or something like that.

Does anybody have any comments on any of (unintelligible) that we've gone through so far?

Jörg Schweiger: Yes this is Jörg once again.

Chris Disspain: Yes Jörg.

Jörg Schweiger: I do have a question if I understood the third paragraph on this page, right, where it is stated that any co-chair can without asking any other co-chair or without asking the group may be entitled to appoint additional members. Is that what the paragraph really says?

Bart Boswinkel: It's co-chairs, so it is plural.

Cheryl Langdon-Orr: Plural.

Chris Disspain: I think...

((Crosstalk))

Jörg Schweiger: Okay so there has to be a consent.

Chris Disspain: Yeah, Jörg, I think what's actually intended is that for logistic purposes it would be the chairs that open the invitation. But I don't think it's intended that the chairs would necessarily make invitations without the working group agreeing.

Jörg Schweiger: Okay.

Chris Disspain: So...

Jörg Schweiger: I just wanted to make sure that this note is going to end up in a group of software...

((Crosstalk))

Jörg Schweiger: ...lobbying and where we could appoint anybody else who we want to be in there and the...

((Crosstalk))

Jörg Schweiger: ...of the working group will...

Chris Disspain: Yeah, I agree.

Chuck Gomes: And - this is Chuck. Also if you look back up to the second sentence in the previous paragraph it kind of covers that as well that they should collaborate.

Chris Disspain: Yeah.

Jörg Schweiger: All right, I'm fine with that then.

Chris Disspain: Anything else?

Alan Greenberg: Yeah, it's Alan. Not to discuss it here but during the cleanup we should be consistent on capitalization of chairs and co-chairs.

Chris Disspain: I agree.

Alan Greenberg: We have pretty much every possible combination of upper and lower case Cs mixed...

Chris Disspain: Yeah, speaking as a chair myself I would like to be capitalized whenever possible.

Alan Greenberg: I liked the version where co was capitalized by the chair is not.

((Crosstalk))

Alan Greenberg: We shouldn't discuss it here but it should be cleared up.

Bart Boswinkel: Yeah.

Julie Hedlund: I like that...

((Crosstalk))

Julie Hedlund: ...standardize that. Thanks.

Chuck Gomes: Chris, did you want Disspain in all caps?

Chris Disspain: Yes Chuck.

Alan Greenberg: That's the way it's normally done I think.

Cheryl Langdon-Orr: I thought that was already hard coded into all lower?

Chris Disspain: Yes it is Cheryl, thank you. You get caps I noticed, CLO.

Cheryl Langdon-Orr: Of course I do.

Bart Boswinkel: Okay shall we move onto the next one? It's...

Chris Disspain: Which is 3.3 I think.

Bart Boswinkel: Yeah, 3.3. So this is again based on the previous call. There might - and what we tried to capture is the need to have - to engage in confidential and trusted conversations. And the idea was that at least during the last call is there might be a subgroup who may need to discuss confidential or propriety information with, yeah, with outsiders or even with particular registries or registrars.

And what we've used is more or less the formulation used from the ASAC.

((Crosstalk))

Chris Disspain: So based - just let me - just let me sum that up, Bart, before I go to Jay because his hand is up. In the last call what we basically agreed was it would be practically impossible to bind the working group itself as a whole apart from anything else because observers will be there and people may come into calls and so on and so forth.

But that there are practically guaranteed to be circumstances where we might be, as Bart has said, dealing with really confidential information and the way to do that would be to have subgroups within the working group who are able, willing to sign (unintelligible) in order for that information to be dealt with by them. And that's the reason why it's drafted in the way that it is. Jay.

Jay Daly: The first sentence to me seems confusing. And I preferred the way that Bart just said it actually which is that a sub working group of this DSSA working group may need to access sensitive or proprietary information in order to do its work in which case measures should be in place to...

Chris Disspain: I agree. Julie, did you get that?

Julie Hedlund: Yes I did, thanks.

Chris Disspain: Thank you. That's right, Jay, that flows much better. Alan, your hand is up.

Alan Greenberg: Yeah is it meant that there is a single working group which may have to deal with confidential things or any - or there may be sub working groups...

((Crosstalk))

Alan Greenberg: ...each of which have to?

Chris Disspain: Yes a working group.

((Crosstalk))

Alan Greenberg: So anything that's confidential will go to the specific working group?

Chris Disspain: Yes.

Alan Greenberg: Okay.

Chris Disspain: Yes. Because there's no point in - it may very well be an intensely narrow issue that only people with some certain knowledge would understand anyway.

Alan Greenberg: But - no my question is there may be that group but there may be something else which needs confidential access...

((Crosstalk))

Alan Greenberg: ...different set of knowledge.

Chris Disspain: That's quite right, yes.

((Crosstalk))

Alan Greenberg: So there may be more than one such working group?

Chris Disspain: There may well be.

Alan Greenberg: Okay and the wording of it implies later on that there is only one such group.

((Crosstalk))

Chris Disspain: We will pluralize where necessary.

Alan Greenberg: Thank you.

Chris Disspain: Someone is rattling.

Cheryl Langdon-Orr: If you can mute me I have had to move back to my other handset
because the other one was running out of battery.

Chris Disspain: Okay.

Cheryl Langdon-Orr: It's - with the storms I've got water in the line.

Chris Disspain: Okay. Can we mute Cheryl please?

Gisella Gruber-White: Okay, Cheryl it's Gisella. Just to say I'm in control of you mute, just (chat)
me when you need to talk. Thanks.

Cheryl Langdon-Orr: Thanks Gi. It'll probably settle anyway but...

Gisella Gruber-White: Okay.

Chris Disspain: Just the water reaching the phone level which water does.

((Crosstalk))

Bart Boswinkel: ...questions or comments?

Chris Disspain: Okay I think we can move on from there Bart.

Bart Boswinkel: Yes I'll skip 3.4 for a minute so first deal with the changes if there are any and
then...

Chris Disspain: Yes.

Bart Boswinkel: ...so...

((Crosstalk))

Bart Boswinkel: Sorry?

Chris Disspain: Three five then.

Bart Boswinkel: Yeah, yeah. So support staff and tools, ICANN - again this is from the previous two alternatives. And this is from the two alternatives as well. Rules of engagement, not changed. An so this wasn't in Alternative 1 but you can debate whether or not but I think it's a reasonable rule.

Now working group methodology so 3.7, from both alternatives although we didn't discuss it is say the first bit so the part that is not marked yellow. So that is - if there are any questions on the standard methodology say the green bit or the one that's not marked yellow please let me know.

Chris Disspain: Well, Bart...

Bart Boswinkel: Yeah?

Chris Disspain: ...basically the situation is that what this charter drafting working group has to decide it's whether - for this particular issue is whether it is necessary or desirable to have all of the following...

Bart Boswinkel: Yeah.

((Crosstalk))

Chris Disspain: ...about participants disagreeing and so on and so forth.

Bart Boswinkel: And the statement of interest.

((Crosstalk))

Chris Disspain: Well let's not worry about the statement of interest for a minute; that's a separate issue. This one is key because the way that - and I'm not pushing a particular solution here but just for the benefit of everyone the way that these things have worked in the past with a number of the joint working groups that we've run and we've done it simply on the basis of our consensus being reached and with everyone having an option to - individually or as a minority group to publish a minority report.

I think it's important to remember that this working group isn't going to be making binding decisions or policy on anybody. And it's in effect far more of an advisory working group that reports back to its - to its own communities and ICANN on the principals outlined in the first one or two paragraphs of the charter.

So I suppose the question to ask is do we really need to have all these mechanisms in place for appeals and all the stuff that (can't) be there or if we do then we do. So over to others for discussion.

((Crosstalk))

Chris Disspain: Sorry who was that? I didn't hear who that was.

Alan Greenberg: It was Alan. I think Cheryl has a comment in the chat.

Chris Disspain: Yes, sorry, thanks, Alan. I just need to find it again. Here we go...

((Crosstalk))

Chris Disspain: Cheryl you're unmuted.

Cheryl Langdon-Orr: I am indeed and hopefully I'm not too rattly because if waters find that much of a level I'm in deep trouble. I just want to argue for having these definitions in. These definitions - in other words, I'm disagreeing with you Chris, surprise, surprise.

((Crosstalk))

Chris Disspain: ...Cheryl I...

Cheryl Langdon-Orr: It's all right, guys. You've got to realize Chris and I have history. The - my point is as follows. These definitions are now being used admittedly by PDP staff processes particularly within the GNSO and I am rattling so I do apologize.

But if for whatever we produce - and I would assume under normal circumstances unless they're extremely exceptional circumstances we'd be looking at consensus or full consensus anyway. So exactly what Chris has outlined will be the probability of what will be happening.

However if in the unlikely situation where that does not occur or unless we use definitions which now fit with the paradigm shift that we're operating in in other parts of ICANN there would be an opportunity for people to doubt or claim they did not understand that something did have a higher level of support from this work group as it may.

And I just think there is no harm in having it enshrined in the terms of reference. It in no way limits any form of minority report. And it stops this oh but we thought you might have meant something different argument that some of us fear we might hear from time to time.

Chris Disspain: That's fine. I mean, I'm quite comfortable with that. Chuck's got a tick by his name I'm guessing that means that he's fine with that too. Does anybody have any strong objections or any objections at all for that matter?

Because, I mean, I think just - Cheryl just so that we're clear I want to - I would want us to go through these words and make sure that they may need a little bit of tweaking to be more appropriate for non PDP processes. But having - so that's not against the actual principal.

Cheryl Langdon-Orr: But uniformity as we're trying to reeducate a whole community is pretty bloody important.

Chris Disspain: Yeah, well yes. Well I still think nonconformity is pretty important too but leaving that aside. Let us not forget that we are all individuals.

Cheryl Langdon-Orr: Chris, stop it.

Chris Disspain: Except me, I'm a naughty little boy. The - you're rattling again Cheryl.

Cheryl Langdon-Orr: I was going to say because that...

((Crosstalk))

Chris Disspain: You're rattling and so is your phone. So can I take it - I think we can take it, Bart, that subject to doing some fiddling around with - just to check that it works formally for this particular type of working group that 3.7.1 is fine. Bart, are you there?

Bart Boswinkel: I'm still here, yes.

((Crosstalk))

Bart Boswinkel: And that means not just a consensus but also the whole procedure.

Chris Disspain: Yeah, yeah, yeah, yeah, yeah, yeah, I think we're fine with that. And I think, I mean, Cheryl's point is perfectly valid. So I think we're fine with that. It's going to be acceptable to - it's not consequence to the C community really and it'll (unintelligible) TLDs and the ALAC so it's fine with us I think. All right?

Bart Boswinkel: Yeah.

Chris Disspain: So...

((Crosstalk))

Bart Boswinkel: The second one is - the second one is about the - and again is - should that be part of it - 3.7.2 because there is reference to 3.7.2 in this as well so...

((Crosstalk))

Bart Boswinkel: ...process.

Chris Disspain: Yeah that's in there as well.

Bart Boswinkel: And that should remain in it?

Chris Disspain: Yes.

Bart Boswinkel: Okay.

Chris Disspain: I just need to look at - we just need to look at the words and make sure that they fit but other than that...

Bart Boswinkel: Yeah, yeah. And - but the principal is...

Chris Disspain: The principal is fine.

Bart Boswinkel: ...is adopted. Okay.

Chris Disspain: Yeah, the principal is fine.

Bart Boswinkel: Okay then scroll back. I think that the final one is...

Chris Disspain: The final one is whether we do the statements of interest...

Bart Boswinkel: Yeah.

Chris Disspain: Chuck, given that that comes or - comes from your area I think, the GNSO area, I mean, you obviously presumably think that that's still important?

Chuck Gomes: Well it's, you know, personally I sometimes think we spend too much time on them but as a general rule, yeah, I think it's very important to the GNSO.

Chris Disspain: Yeah.

Chuck Gomes: Is it something that people would, you know, find show stoppers, I don't know about that. So...

Chris Disspain: No I don't think so. In fact I think given this working group may well be dealing with sensitive commercial information. Given that we're expecting people to be open and frank with everybody else I think it's probably quite important.

Chuck Gomes: Yeah. And I think that'll be well received in the GNSO. And plus even though we're looking for technical people on this some of them are going to have particular interests. And all we're - and all that it really asks is for people to disclose those.

Chris Disspain: Absolutely right.

Chuck Gomes: And so it's - I don't think it should be that big a deal.

Chris Disspain: Nope I'm happy with it. Does anybody have any objections to it?

Bart Boswinkel: Just Jay has a comment.

Chris Disspain: Yes Jay.

Bart Boswinkel: He has his hands up.

Jay Daly: Thank you. No I don't have any objections but Point Number 6 just seems slightly odd to me starting off with that sentence, the board requested that the working group members have blah, blah, blah.

Chris Disspain: That's for the board.

Julie Hedlund: Yeah actually, Jay, thanks - this is Julie - thanks for raising that. I see that as a typo and I'll make that change right now. I think it's got - it got pulled up from the - from something else. Anyway I'll take it out.

((Crosstalk))

Chris Disspain: Don't take it out Julie. If you change it to refer back to the charter where it said that, you know, we've said you should have expertise please tell us what it is.

Julie Hedlund: Got it.

Bart Boswinkel: I think what both Julie and I need to do is run through this document again and make it consistent.

Chris Disspain: I agree.

((Crosstalk))

Chris Disspain: But that one should stay in because I think it's important but it just needs to be referenced back up to clause whatever...

((Crosstalk))

Chris Disspain: ...beginning of the - the very beginning.

Jay Daly: All right.

Chris Disspain: Okay. Any other comments at all for now? Okay so what needs to happen next it seems to me is that we need to get Bart and Julie to knock this into some shape taking into account the discussions we've had, have a look at the wording for the 3.7.1 and 3.7.2 just to make sure that it makes sense within the context of this working group which it would only be minor changes I should imagine.

And get a fresh draft out, Bart, with new - get rid of all of this stuff so that we get a new redline that's just one set of...

((Crosstalk))

Bart Boswinkel: Yeah, yeah, say I got - we do have a clean version of this one so you have it all.

Chris Disspain: Yeah.

Bart Boswinkel: So that's the one you can compare it with in the next redline version.

Chris Disspain: What's our - what's our timing between the two of you to get that out to us?

Bart Boswinkel: It shouldn't be - Julie?

Julie Hedlund: Yeah, no I've been actually noting these changes as we've been discussing them. And I think I've captured most of them but I just need to spend a little time just reading it through and making sure everything...

Chris Disspain: Oh okay.

Julie Hedlund: And then I was planning on sending it to Bart tomorrow.

Chris Disspain: Marvelous.

Bart Boswinkel: Yeah and so I think if everything goes well by Friday you should - the working group have - by Friday or Monday the working group should have it in its inbox.

Chris Disspain: Okay.

Chuck Gomes: Okay I want to jump in here because Monday happens to be the deadline for documents for consideration in Cartagena. So it seems to me if we could get it out to the working group by Friday and at least allow the weekend for any final...

Chris Disspain: Good idea.

Chuck Gomes: ...edits. And so that we can meet that deadline I think it would be good.

Bart Boswinkel: Yeah...

((Crosstalk))

Bart Boswinkel: So assuming there are no major, major hiccups...

((Crosstalk))

Chuck Gomes: Right.

Bart Boswinkel: Okay.

Chris Disspain: We'll be fine.

Bart Boswinkel: Okay then.

Chris Disspain: So let's get that - if you get - Julie when you send it out if you send it to Bart and I I'll have a look just double check through 3.7 and let you know if I've got any suggested changes to it. Jay, your hand is up.

Jay Daly: Sorry, yeah, can we go on to 4, 5, 6 and the annex or not?

Chris Disspain: Why do we need to do that? Is there something there that concerns you?

Jay Daly: On the annex there's one little thing I'd like to add that's all.

Chris Disspain: What's that?

Jay Daly: Well..

((Crosstalk))

Bart Boswinkel: ...Jay.

Jay Daly: Thanks. Under Section 2 it says I shall have no obligation of confidentiality with respect to information disclosed to me if and I'd like to add Section F, such information is already known to me. Oh sorry it's already in there in B. Sorry that's...

((Crosstalk))

Chris Disspain: No you can't say that because if it's known to you confidentially then you're still obliged to be confidential about it.

((Crosstalk))

Jay Daly: Okay it was already in there in Point B actually now that I've sorted it out.

Chris Disspain: Yeah.

((Crosstalk))

Chris Disspain: Yeah, known to the working group as opposed to known to you.

Jay Daly: No it says before - yeah, okay.

Chris Disspain: At the time it's disclosed to me. Okay? All right.

Jay Daly: Okay.

((Crosstalk))

Jay Daly: We need to be careful that people - I've seen this happen a lot in this type of area, security and stability. People release information they claim is confidential you know bloody well it's not confidential but they then try to keep you to a restriction about it by claiming that it's confidential. So this currently - annex allows somebody to do that.

Chris Disspain: Why? How does it allow them to do that?

Jay Daly: Because it puts the definition on what is not known confidential information on the person disclosing it rather than the person receiving it.

Chris Disspain: But that's correct. It has to be that way legally otherwise - if I give you the information - if you want to argue with me and say that it's not confidential and here's why that's fine.

Jay Daly: Yeah.

Chris Disspain: But if I give it to you and it's not confidential then in its gift from me is confidential. It does not mean that if you come by it by another source that's not confidential then that's fine. But this is about the gift from me of the information.

Jay Daly: Okay.

Chris Disspain: And if that gift from me is confidential then it is confidential. It's not for you to judge whether...

Jay Daly: Okay.

Chris Disspain: ...it should be or shouldn't be.

Cheryl Langdon-Orr: Yeah.

Jay Daly: No that's fine. But you're saying that there's no restriction then - that in this on somebody already knowing it through a different source.

Cheryl Langdon-Orr: That's right.

Chris Disspain: I'm saying that's the legal position.

((Crosstalk))

Bart Boswinkel: Alan's got his hand up as well.

Chris Disspain: Yes Alan.

Alan Greenberg: No I was just going to say something to that affect. Normally a clause like this says unless it's available through other sources then it's up to, you know, the person it treating it non-confidentially to demonstrate that it was indeed available.

Chris Disspain: Yes...

((Crosstalk))

Alan Greenberg: ...basically saying what you just said.

Chris Disspain: Yeah. I mean, no one is suggesting that I can tell - I can give you a copy of Shakespeare's sonnets and claim that they're confidential.

Alan Greenberg: You can but it shouldn't hold up...

((Crosstalk))

Chris Disspain: I can claim it but - I can claim it but it's rubbish, yes. All right I think, Bart, that's it - well I think that's it if everybody's comfortable we will get the next version out. It would be absolutely brilliant if we could have this published on Monday.

Chuck, what's the situation with the Gs if we publish it and it has - presumably there's scope for minor word smith editing without having to republish, in other words, you know, just dealing with - not changing context but just dealing with language.

Chuck Gomes: I don't think that'd be any problem at all.

Chris Disspain: Okay.

Chuck Gomes: You know, so if there are significant - even if there are more significant edits which I would prefer there weren't but...

Chris Disspain: Yeah.

Chuck Gomes: ...even if there were I think if we get it on the table and we certainly...

Chris Disspain: Okay.

Chuck Gomes: ...communicate any of those carefully really what this needs to be sent - this document will need to be not only published for everyone to read but in...

Chris Disspain: Yeah.

Chuck Gomes: ...particular sent to the SOs and ACs that are involved because they will approve the charter.

Chris Disspain: Absolutely.

Bart Boswinkel: Yeah, all right.

Cheryl Langdon-Orr: And we need to get it on our Cartagena agendas and in my case that probably means translations as well. So can I ask are we planning to translate?

Chris Disspain: I hadn't even...

Cheryl Langdon-Orr: Sorry.

((Crosstalk))

Bart Boswinkel: It looks like it.

((Crosstalk))

Chris Disspain: ...Cheryl, here.

Cheryl Langdon-Orr: Because I need to know am I now putting this on our ALAC translations request list or...

Chris Disspain: Well it seems...

Cheryl Langdon-Orr: ...is it something I'm magically getting done by the group?

Chris Disspain: It shouldn't go on more than one translations list, ccNSO doesn't have a translations list and so therefore it's either you or Chuck I guess. And...

Chuck Gomes: Put it on yours Cheryl.

Cheryl Langdon-Orr: Okay I'll push it into mine.

Chris Disspain: Okay but that does not stop us from publishing the English version on Monday of course.

Cheryl Langdon-Orr: Not at all but...

Chris Disspain: All right.

Cheryl Langdon-Orr: ...it's something we tend to do, Chris is...

Chris Disspain: Got it.

Cheryl Langdon-Orr: ...is put a little header in there somewhere that says, you know...

Chris Disspain: Oh we'll do that.

Cheryl Langdon-Orr: ...final subject to, you know, (twilight) and minor edits...

((Crosstalk))

Cheryl Langdon-Orr: ...edits or something, you know.

Chris Disspain: Good.

Bart Boswinkel: Sorry, I think what is worthwhile for the group as well and because all the SOs are included and the ACs participating is that say over the next couple of days say Cheryl, Chuck and you, Chris and Julie and I will figure out a way how we want to push this or not push this forward but say get the adoption processes going so we can coordinate it.

Chris Disspain: Yeah, yeah, we can do that, that will be fine. I mean, if it takes longer for one group to adopt it then another so be it but at least if it's...

((Crosstalk))

Bart Boswinkel: Yeah, yeah but then it's very clear and that's another way of involving the NRO as well.

Chris Disspain: Yeah.

((Crosstalk))

Cheryl Langdon-Orr: From my point of view, I don't know about Chuck, the Monday deadline means that, yeah, we can actually formally have it on our published agenda for our business meeting...

Chris Disspain: Yeah.

Cheryl Langdon-Orr: ...that we would be...

((Crosstalk))

Chris Disspain: Yeah, got that.

Chuck Gomes: Yeah and I've already put it on my draft agenda to be posted on Monday so...

Cheryl Langdon-Orr: Yeah.

Bart Boswinkel: So what I'll do is - what I'll do is I'll send you an email say tomorrow morning my time to see what are your requirements to get it going and where does it need to be posted and everything else so we can do that easily.

Cheryl Langdon-Orr: Sure.

Chuck Gomes: Great.

Chris Disspain: Thank you very much. Are we done?

Cheryl Langdon-Orr: Oh yeah.

Chris Disspain: We're done. Thanks everybody.

Chuck Gomes: Thanks Chris. Thanks Chris, Bart.

Chris Disspain: Brilliant work from everybody.

((Crosstalk))

Chris Disspain: ...done so fast. Thank you.

((Crosstalk))

Chris Disspain: Bye guys.

END